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PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	CHO ET AL.)	
)	Examiner M. Genack
Appl. No.	09/941,265)	
)	Art Unit 2645
Confirm. No.	7226)	
)	Atty. Docket No. CS11122
Filed:	28 August 2001)	
Title:	"Mobile Communication Devices With Quick-Send Features And Methods Therefor"		

PRE-APPEAL BRIEF REVIEW REQUEST

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Review Request, Claims Pending

The instant Request has been filed contemporaneously with a Notice of Appeal filed under 37 CFR 41.31 in response to a final Office Action mailed on 16 December 2005. No amendments have been filed under 37 CFR 1.116. Kindly review the instant application in view of the discussion below.

Claims 1-19 are pending.

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Allowability of Claims Over Jang, Valimaa & Tiilikainen

Rejection Summary

Claims 1-2, 3-4, 5, 6-8, 10, 11, 12 and 19 stand rejected under either 35 USC 102(e) or 35 USC 103(a) based on Publication No. 2002/0091754 (Jang), either alone or in combination with a secondary reference.

Applicant's 131 Declaration swearing back of Jang stands objected to for failure to "... disclose Internet enabled mobile wireless communication devices, not anything related to the Internet in general" and for lack of diligence.

Conception; Discussion of Applicant's 131 Declaration

Claims 9-11 relate to an Internet enabled wireless communication device that associates an Internet address with a key input and that transmits the stored Internet address from the device upon "maintaining" the key input for a minimum input time interval. Claim 19 specifies that one of a plurality of communications addresses includes an "Internet address".

It is not necessary that the original disclosure explicitly identify every embodiment for such an embodiment to be contemplated by the disclosure. The original invention disclosure generally teaches associating different types of network address information, i.e., home, cell, pager, and office telephone numbers, with one or more specific speed dial keys, wherein transmission is effected by maintaining the last key input for a minimum input time interval. An Internet address is a particular type of network address, as are home, cell and pager numbers. Internet capable cellular telephones were known generally prior to the effective date of Jang. The general teaching of associating different wireless addresses with input keys fully encompasses the association of an Internet address with an input key. The original disclosure thus supports conception of the subject matter of Claims 9-11 and 19 prior

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to the effective date of Jang. Kindly withdraw the objection to Applicant's Declaration for failure to establish disclosure of an Internet address.

Diligence; Discussion of Representative's Supplemental 131 Declaration

It is only necessary to establish diligence from a time prior to the effective prior art date until the filing of the instant patent application. The undersigned representative submitted a Supplemental Declaration under 37 CFR 1.131 establishing diligence between 26 December 2000 (effective date of Jang) and the priority filing date 30 March 2001 of the instant application. The Declaration establishes that the undersigned had a docket with reasonable number of backlog cases that were prepared expeditiously and in chronological order during the critical period. See MPEP 715.08(a) & 2138.06 "Diligence Required in Preparing and Filing Patent Application". The Supplemental Declaration is therefore believed to establish diligence required under 37 CFR 1.131 to antedate the Jang reference. Kindly withdraw the rejections under 35 U.S.C. 102(e) and 35 U.S. C. 103(a) based on Jang.

Allowability of Claims Over Joglekar

Rejection Summary

Claims 1-2, 5 and 12 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,535,258 (Joglekar). Claim 19 stands rejected under 35 USC 103(a) as being anticipated by Joglekar in view of Tiilikainen and Mager. Id.

Discussion

Claims 1 and 5 recite "maintaining" the last input of an input key "... for a minimum input time interval" and Claim 12 recites "maintaining" the last input

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of an input key "... for a predetermined time interval." In the present application "maintaining" the input of the input key for a minimum input or predetermined time interval requires depressing the key for longer than is required to input a number for normal (non-speed) dialing. Applicant's use of the term maintaining is set forth in the specification, on page 7, line 19-page 8, line 4 as follows:

... transmission of a communication address ... is performed by inputting and maintaining the last of the key inputs for a minimum input time interval. ... [T]he associated "work" telephone number for "HAN" is transmitted upon depressing and holding the "1" key for a predetermined time interval ... [and] the "Home" telephone number for "HAN" is transmitted by sequentially depressing the "1" key twice, within a software specified time interval that would capture two sequential inputs by most users, and then maintaining the "1" key input for another predetermined time interval.

To be sure, the American Heritage® Dictionary of the English Language, Fourth Edition, defines **main-tained**, **main-tain-ing**, **main-tains** as follows: 2. To keep in an existing state; preserve or retain: *maintain one's composure*. Thus in the present application, including Claims 1, 2, 5 and 12, "maintaining" means depressing and holding an input key for some minimum or predetermined time interval.

At col. 10: 20-28, Joglekar discloses depressing input key (M1 or M2) 318 or 324 to actuate a switch that causes a processor to initiate automatic dialing. Joglekar does not disclose "maintaining" the input key beyond what is necessary to actuate the switch as recited in Claims 1, 2, 5 and 12. In Joglekar, there is no need to differentiate between speed dial inputs and normal (non-speed) dial inputs, since Joglekar uses dedicated keys 318 and 324 for speed dialing and numeric keys for normal dialing. Thus in Joglekar, it is unnecessary to hold or "maintain" keys 318 or 324 when speed dialing.

Regarding Claim 1, Joglekar fails to disclose or suggest a method for sending information stored in a wireless communication device by entering sequential inputs associated therewith and "... maintaining the last input thereof for a minimum input time interval." Regarding Claim 5, Joglekar fails to disclose or suggest transmitting a stored communication address by entering sequential inputs

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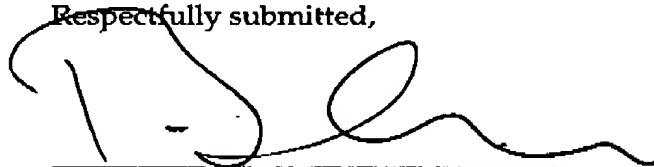
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and "... maintaining the last key input for a minimum input time interval."
Regarding Claim 12, Joglekar fails to disclose or suggest a mobile wireless communication device including means for transmitting the first communication address upon entering the sequential key inputs and "... upon maintaining a last of the sequential key inputs for a predetermined time interval."

Prayer For Relief

In view of the discussion above, the Claims of the present application are patentably distinguished over the art. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,



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